

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
AMARILLO DIVISION**

**NORMA VIVIANA IBARRA-JARAMILLO** §

v. §

**CASE NO.** \_\_\_\_\_ §

**DOUGLAS WILLIAM HUDSON,** §  
**GAMESA WIND US, LLC and GAMESA** §  
**TECHNOLOGY CORPORATION, INC.,** §

**NOTICE OF REMOVAL**

TO THE HONORABLE JUDGE OF THE UNITED STATES DISTRICT COURT:

**I.**

GAMESA WIND US, LLC and GAMESA TECHNOLOGY CORPORATION, INC., are defendants in a civil action brought on May 21, 2015 in the 47<sup>th</sup> District Court in and for Potter County, Texas entitled “Norma Viviana Ibarra-Jaramillo vs. Douglas William Hudson, Gamesa Wind US, LLC and Gamesa Technology Corporation, Inc.”, Cause No. 104300-A. A copy of the citation on Gamesa Wind US, LLC and Gamesa Technology Corporation, Inc., and the petition in this action are attached as Exhibits 1, 2, and 3, respectively, and constitute all process, pleading, and orders served on these Defendants in the action.

Plaintiff has filed her First Amended Petition on June 26, 2015 dropping Defendants Gamesa Energy USA, LLC and Wind Power Services LLC from the lawsuit. See Exhibit 4.

**II.**

The citation and petition in this action were served on Defendant Gamesa Energy USA, LLC on June 5, 2015, via service by certified mail to its agent in Dallas, Texas. The citation and petition in this action were served on Defendant Gamesa Technology Corporation, Inc., on June

5, 2015 via service by certified mail to its agent in Dallas, Texas. This notice of removal is filed within 30 days of receipt of the petition and is timely filed under 28 U.S.C. § 1446(b).

### **III.**

The district courts of the United States have original jurisdiction over this action based on diversity of citizenship among the parties, in that every defendant is now and was at the time the action was commenced diverse in citizenship from every plaintiff. No defendant is or was at the time the suit was commenced a citizen of the State of Texas.

Norma Viviana Ibarra-Jaramillo, the plaintiff, is an individual who resides at 1200 N. Harrison Street, Amarillo, Potter County, Texas.

Defendant Gamesa Wind US, LLC is a Pennsylvania company with its principal place of business, now and at the time this action was commenced, in 2050 Cobert Blvd. West, Langhorne, Pennsylvania 19047.

Defendant Gamesa Technology Corporation, Inc., is a Pennsylvania corporation with its principal place of business, now and at the time this action was commenced, in 11500 Northbrook Drive, Trevose, Pennsylvania 19053.

### **IV.**

The amount in controversy in this action exceeds, exclusive of interest and costs, the sum of \$75,000.

### **V.**

Removal of this action is proper under 28 U.S.C. § 1441, since it is a civil action brought in a state court, and the federal district courts have original jurisdiction over the subject matter under 28 U.S.C. § 1331 because the plaintiff and defendants are diverse in citizenship. All defendants who have been properly joined and served consent to the removal of this action.

WHEREFORE, GAMESA WIND US, LLC and GAMESA TECHNOLOGY CORPORATION, INC., defendants in this action, pursuant to these statutes and in conformance with the requirements set forth in 28 U.S.C. § 1446, remove this action for trial from the 47<sup>th</sup> District Court of the State of Texas, County of Potter to this Court, on this 2<sup>nd</sup> day of July, 2015.

Respectfully submitted,

PETERSON FARRIS BYRD & PARKER  
A Professional Corporation  
P. O. Box 9620  
Amarillo, TX 79105-9620  
(806) 374-5317; FAX: 372-2107  
[rhubbard@pf-lawfirm.com](mailto:rhubbard@pf-lawfirm.com)

By /s/ Rhett J. Hubbard  
Rhett J. Hubbard, SB# 24032315  
*ATTORNEYS FOR DEFENDANT*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 2<sup>nd</sup> of July, 2015, I electronically filed the foregoing document with the Clerk of the U.S. District Court, Northern District of Texas, Amarillo Division, using the electronic case filing system of the court. The electronic case filing system sent a "Notice of Electronic Filing" to the following attorneys of record, who have consented in writing to accept this notice as service of this document by electronic means. Additionally, a copy of this document was mailed by first class mail to the attorneys who may not receive this electronically.

Mr. Mark L. Packard  
Packard Hood Johnson & Bradley LLP  
301 S. Polk, Suite 375  
Lobby Box 34  
Amarillo, TX 79101

Mr. Mark Wilson  
Smith Wilson Law Firm, PC  
P. O. Box 212  
Canyon, TX 79015

/s/ Rhett J. Hubbard  
Rhett J. Hubbard

POTTER COUNTY  
Caroline Woodburn  
DISTRICT CLERK  
P.O. Box 9570  
Amarillo, Texas 79105-9570  
501 S. Fillmore - Suite 1B  
(806) 379-2300  
Fax: (806) 372-5061  
districtclerk@co.potter.tx.us

THE STATE OF TEXAS  
CIVIL

CITATION--CERTIFIED MAIL

CAUSE NO. V-104300-00-A

NORMA VIVIANA IBARRA-JARAMILLO VS. DOUGLAS WILLIAM HUDSON, GAMESA WIND  
US, LLC; GAMESA ENERGY USA, LLC; GAMESA TECHNOLOGY CORPORATION, INC.;  
AND WIND POWER SERVICES, LLC

IN AND FOR THE: 47TH DISTRICT COURT

TO: GAMESA WIND US, LLC BY SERVING NATIONAL REGISTERED  
AGENTS, 1999 BRYAN STREET, SUITE 900  
DALLAS, TX 75201-3136

**NOTICE:** YOU HAVE BEEN SUED. YOU MAY EMPLOY AN ATTORNEY. IF YOU OR YOUR  
ATTORNEY DO NOT FILE A WRITTEN ANSWER WITH THE CLERK WHO ISSUED THIS  
CITATION BY 10:00 A.M. ON THE MONDAY NEXT FOLLOWING THE EXPIRATION OF  
TWENTY DAYS AFTER YOU WERE SERVED THIS CITATION AND PETITION, A DEFAULT  
JUDGMENT MAY BE TAKEN AGAINST YOU.

THE ADDRESS OF THE CLERK IS SHOWN ABOVE. THE PLAINTIFF'S PETITION WAS  
FILED ON: MAY 21, 2015 IN THE 47TH DISTRICT COURT LOCATED AT AMARILLO,  
POTTER COUNTY, TEXAS.

ATTACHED HERETO IS: PLAINTIFF'S ORIGINAL PETITION

THE ATTORNEY FOR THE PLAINTIFF IS: MARK L. PACKARD, 301 S POLK, STE 375  
LB 34, AMARILLO, TEXAS 79101, (806) 374-3300.

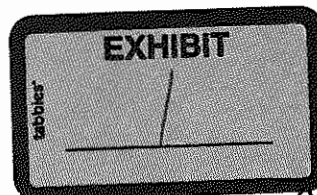
THIS CITATION WAS EXECUTED BY MAILING A TRUE COPY OF IT TO THE DEFENDANT  
AND ADDRESS NAMED ABOVE BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED WITH  
A TRUE COPY OF THE PETITION ATTACHED.

ISSUED AND GIVEN UNDER MY HAND AND SEAL ON: JUNE 1, 2015

CAROLINE WOODBURN, CLERK OF THE COURT  
POTTER COUNTY, TEXAS

BY Deputy J. White DEPUTY

(OFFICER'S RETURN FOLLOWS)



ORIGINAL FOR RETURN



This document was retrieved from the [IDOCKET.COM](http://IDOCKET.COM) web site.

9414 7266 9904 2004 9611 39

TO: NATIONAL REGISTERED AGENTS  
 GAMESA WIND US, LLC  
 1999 BRYAN STREET, SUITE 900  
 DALLAS, TX 75201-3136

SENDER: BECKY - CIVIL

REFERENCE: 104300-A

PS Form 3800, January 2005

RETURN	Postage
RECEIPT	Certified Fee
SERVICE	Return Receipt Fee
	Restricted Delivery
	Total Postage & Fees

**USPS®**  
**Receipt for**  
**Certified Mail™**

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2. Article Number		COMPLETE THIS SECTION ON DELIVERY	
104300-A			
9414 7266 9904 2004 9611 39			
3. Service Type <b>CERTIFIED MAIL®</b>		A. Received by (Please Print Clearly)	
4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes		B. Date of Delivery	
1. Article Addressed to:		C. Signature	
NATIONAL REGISTERED AGENTS GAMESA WIND US, LLC 1999 BRYAN STREET, SUITE 900 DALLAS, TX 75201-3136		Chris Wells	
		<input type="checkbox"/> Agent <input type="checkbox"/> Addressee <input type="checkbox"/> Yes <input type="checkbox"/> No	
		Is delivery address different from Item 1? If YES, enter delivery address below:	
		Return Information 104300-A BECKY - CIVIL	

PS Form 3811, January 2005

Domestic Return Receipt

POTTER COUNTY  
Caroline Woodburn  
DISTRICT CLERK  
P.O. Box 9570  
Amarillo, Texas 79105-9570  
501 S. Fillmore - Suite 1B  
(806) 379-2300  
Fax: (806) 372-5061  
districtclerk@co.potter.tx.us

THE STATE OF TEXAS  
CIVIL

CITATION--CERTIFIED MAIL

CAUSE NO. V-104300-00-A

NORMA VIVIANA IBARRA-JARAMILLO VS. DOUGLAS WILLIAM HUDSON, GAMESA WIND  
US, LLC; GAMESA ENERGY USA, LLC; GAMESA TECHNOLOGY CORPORATION, INC.;  
AND WIND POWER SERVICES, LLC

IN AND FOR THE: 47TH DISTRICT COURT

TO: GAMESA TECHNOLOGY CORPORATION, INC. BY SERVING NATIONAL  
REGISTERED AGENTS, 1999 BRYAN STREET, SUITE 900, DALLAS  
TEXAS 75201-3136 BY SERVING THE TEXAS SECRETARY OF  
STATE, CITATIONS UNIT, P O BOX 12079, AUSTIN, TEXAS  
78711-2079

**NOTICE:** YOU HAVE BEEN SUED. YOU MAY EMPLOY AN ATTORNEY. IF YOU OR YOUR  
ATTORNEY DO NOT FILE A WRITTEN ANSWER WITH THE CLERK WHO ISSUED THIS  
CITATION BY 10:00 A.M. ON THE MONDAY NEXT FOLLOWING THE EXPIRATION OF  
TWENTY DAYS AFTER YOU WERE SERVED THIS CITATION AND PETITION, A DEFAULT  
JUDGMENT MAY BE TAKEN AGAINST YOU.

THE ADDRESS OF THE CLERK IS SHOWN ABOVE. THE PLAINTIFF'S PETITION WAS  
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ATTACHED HERETO IS: PLAINTIFF'S ORIGINAL PETITION

THE ATTORNEY FOR THE PLAINTIFF IS: MARK L. PACKARD, 301 S POLK, STE 375  
LB 34, AMARILLO, TEXAS 79101, (806) 374-3300.

THIS CITATION WAS EXECUTED BY MAILING A TRUE COPY OF IT TO THE DEFENDANT  
AND ADDRESS NAMED ABOVE BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED WITH  
A TRUE COPY OF THE PETITION ATTACHED.

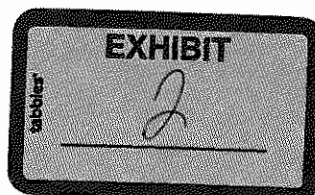
ISSUED AND GIVEN UNDER MY HAND AND SEAL ON: JUNE 1, 2015

CAROLINE WOODBURN, CLERK OF THE COURT  
POTTER COUNTY, TEXAS

BY *Belky J. White* DEPUTY

(OFFICER'S RETURN FOLLOWS)

ORIGINAL FOR RETURN



FILED  
CAROLINE WOODBURN  
DISTRICT CLERK  
2015 JUN 15 AM 8 15  
BY *Boy* POTTER COUNTY, TEXAS  
DEPUTY



P.O. Box 9570  
Amarillo, Texas 79105-9570  
501 S. Fillmore - Suite 1B

POTTER COUNTY  
Caroline Woodburn  
DISTRICT CLERK

(806) 379-2300  
Fax: (806) 372-5061  
districtclerk@co.potter.tx.us

## OFFICER'S RETURN---CERTIFIED MAIL

Cause No. V-104300-00-A in the 47TH DISTRICT COURT  
Style: NORMA VIVIANA IBARRA-JARAMILLO VS. DOUGLAS WILLIAM HUDSON, GAMESA  
WIND US, LLC; GAMESA ENERGY USA, LLC; GAMESA TECHNOLOGY CORPORATION,  
INC.; AND WIND POWER SERVICES, LLC

This CITATION was executed by mailing an exact copy of it with an exact copy of the PLAINTIFF'S ORIGINAL PETITION attached, to the defendant(s) and addressed named above by certified mail, return receipt requested.

Date Mailed: 6-1, 2019

Certified Mail #:

Fee for Return: \$ 7.00

**Certified Article Number**

9414 7266 9904 2004 9598 15

**SENDERS RECORD**

CAROLINE WOODBURN, CLERK OF THE COURT  
POTTER COUNTY, TEXAS

By: K. A. [Signature] Deputy

THE STATE OF TEXAS

The return receipt was received on the 15 day of June, 2015,  
bearing a delivery date of 6/9/15, 2015, and is  
attached hereto and made a part of this return.

CAROLINE WOODBURN, CLERK OF THE COURT  
POTTER COUNTY, TEXAS

By: Debra K. Kline, Deputy

Before me, the undersigned authority, personally appeared: \_\_\_\_\_, who after being duly sworn, stated that the above facts are true and correct, subscribed and sworn to before me on this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

, Notary

My Commission Expires:

POTTER COUNTY, TEXAS

2015 JUN 15 PM 8 15

FILED  
CAROLINE WOODBURN  
DISTRICT CLERK

TEXAS SECRETARY OF STATE  
GAMESA TECHNOLOGY CORPORATION  
INC  
CITATIONS UNIT  
P O BOX 12079  
AUSTIN, TX 78711-2079

9414 7266 9904 2004 9598 15

**TO:** 104300-A  
 TEXAS SECRETARY OF STATE  
 GAMESA TECHNOLOGY CORPORATION  
 INC  
 CITATIONS UNIT  
 P O BOX 12079  
 AUSTIN, TX 78711-2079

**SENDER:** BECKY - CIVIL

**REFERENCE:** 104300-A

PS Form 3800, January 2005

RETURN RECEIPT SERVICE	Postage	9
	Certified Fee	43
	Return Receipt Fee	
	Restricted Delivery	
	Total Postage & Fees	767

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2. Article Number 104300-A

9414 7266 9904 2004 9598 15

3. Service Type **CERTIFIED MAIL®**

4. Restricted Delivery? (Extra Fee) ☐ Yes

1. Article Addressed to:  
 TEXAS SECRETARY OF STATE  
 GAMESA TECHNOLOGY CORPORATION  
 INC  
 CITATIONS UNIT  
 P O BOX 12079  
 AUSTIN, TX 78711-2079

**COMPLETE THIS SECTION ON DELIVERY**

A. Received by (Please Print Clearly) \_\_\_\_\_

B. Date of Delivery \_\_\_\_\_

C. Signature \_\_\_\_\_

☐ Agent  
☐ Addressee

D. Is delivery address different from item 1? ☒ Yes  
 If YES, enter delivery address below: \_\_\_\_\_

**Reference Information**  
 104300-A  
 BECKY - CIVIL

PS Form 3811, January 2005 Domestic Return Receipt

B W

COPY

Filed  
Caroline Woodburn  
District Clerk  
5/21/2015 2:54:16 PM  
Potter County, Texas  
By \_\_\_\_\_ Deputy

CAUSE NO. 104300-A

NORMA VIVIANA IBARRA-JARAMILLO	§	IN THE <u>47th</u> DISTRICT COURT
	§	
Plaintiff,	§	
	§	
Vs.	§	IN AND FOR
	§	
DOUGLAS WILLIAM HUDSON,	§	
GAMESA WIND US, LLC; GAMESA	§	
ENERGY USA, LLC; GAMESA	§	
TECHNOLOGY CORPORATION, INC.;	§	
and WIND POWER SERVICES, LLC	§	
	§	
Defendants.	§	POTTER COUNTY, TEXAS

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**PLAINTIFF'S ORIGINAL PETITION**

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**TO THE HONORABLE JUDGE OF SAID COURT:**

NOW COMES NORMA VIVIANA IBARRA-JARAMILLO, hereinafter referred to as Plaintiff, complaining of DOUGLAS WILLIAM HUDSON, GAMESA WIND US, LLC; GAMESA ENERGY USA, LLC; GAMESA TECHNOLOGY CORPORATION, INC.; and WIND POWER SERVICES, LLC, Defendants, and for cause of action would respectfully show the Court as follows:

**RULE 190 DESIGNATION**

1. Plaintiff intends that discovery be conducted under Discovery Level II.

**PARTIES AND SERVICE**

2. Plaintiff, NORMA VIVIANA IBARRA-JARAMILLO is an individual who resides at 1200 N. Harrison Street, Amarillo, Potter County, Texas 79107.



3. Defendant DOUGLAS WILLIAM HUDSON, is an Individual who is a resident of Pennsylvania, and may be served with process at his home at the following address: 572 Hulmeville Avenue, Penndel, Pennsylvania 19047-5577.

4. Defendants GAMESA WIND US, LLC; GAMESA ENERGY USA, LLC; GAMESA TECHNOLOGY CORPORATION, INC.; and WIND POWER SERVICES, LLC, are foreign corporations authorized to do business in the State of Texas. The registered agent for service of process for each Defendant is National Registered Agents. Accordingly, Defendants may be served with citation upon their registered agent, National Registered Agents, 1999 Bryan Street, Suite 900, Dallas Texas 75201-3136, by certified mail.

5. Defendant, GAMESA TECHNOLOGY CORPORATION, INC., is a Pennsylvania corporation with principal office located at 1150 Northbrook Drive, Trevese, PA, 19053. Defendant engages in business in Texas and is required to designate a registered agent in the State of Texas. Because Defendant has failed to designate a registered agent in Texas, the Secretary of State is deemed to be an agent for service of process for Defendant in accordance with Section 17.044(a)(1) and (b) of the Civil Practices and Remedies Code. Accordingly, Defendant may be served with process by service upon the Secretary of State, its registered agent for service of process.

#### **Jurisdiction And Venue**

6. The subject matter in controversy is within the jurisdictional limits of this court.

7. Venue in Potter County is proper in this cause under Section 15.002(a)(2) of the Texas Civil Practice and Remedies Code because the accident occurred in Potter County, Texas, and the cause of action accrued, in whole or in part, in Potter County.



**FACTS**

8. All references to Defendants hereafter shall refer to DOUGLAS WILLIAM HUDSON, GAMESA WIND US, LLC; GAMESA ENERGY USA, LLC; GAMESA TECHNOLOGY CORPORATION, INC.; and WIND POWER SERVICES, LLC. This lawsuit arises out of Defendants' negligence that was the proximate cause of a collision that occurred on July 9, 2013 in the 800 Block of S. Fillmore Street in Potter County, Amarillo, Texas. The accident occurred because Defendant, DOUGLAS WILLIAM HUDSON, disregarded a red light and pulled into the intersection causing the collision with Plaintiff's vehicle.

**LIABILITY OF DEFENDANT HUDSON**

9. Plaintiff alleges that Defendant HUDSON had a duty to exercise ordinary care and to operate his vehicle reasonably and prudently. Defendant HUDSON breached his duty of care in the following ways:

- a. Failing to yield the right of way at a red stoplight;
- b. Failing to safely and properly operate his vehicle;
- b. Failing to maintain a proper lookout;
- c. Failing to maintain proper control of Defendant's vehicle; and
- d. Failing to control speed;

10. Defendant HUDSON'S breach of duty proximately caused injury and damages to Plaintiff.

**LIABILITY OF DEFENDANTS GAMESA WIND US, LLC, GAMESA  
ENERGY USA, LLC, WIND POWER SERVICES, LLC,  
AND GAMESA TECHNOLOGY CORPORATION**

11. In addition, at the time of the accident, Defendant Hudson was an agent and/or employee of Gamesa Wind US, LLC, and/or Gamesa Energy USA, LLC, and/or Gamesa



Technology Corporation, Inc and/or Wind Power Services, LLC. Accordingly, the negligence of Hudson is attributable to Defendants Gamesa Wind US, LLC, and/or Gamesa Energy USA, LLC, and/or Gamesa Technology Corporation, Inc and/or Wind Power Services, LLC, pursuant to the doctrine of *respondeat superior* with respect to the acts and/or omissions of Defendant Hudson which were performed within the course and scope of his duties with Defendants.

**DAMAGES FOR PLAINTIFF**

12. As a direct and proximate result of the occurrence made the basis of this lawsuit,

Plaintiff has incurred the following damages:

- A. Reasonable medical care and expenses in the past. These expenses were incurred by Plaintiff, for the necessary care and treatment of the injuries resulting from the accident complained of herein;
- B. Reasonable and necessary medical care and expenses which will, in all reasonable probability, be incurred in the future;
- C. Loss of wages in the past;
- D. Loss of wage earning capacity in the future;
- E. Physical pain and suffering in the past;
- F. Physical pain and suffering in the future;
- G. Physical impairment in the past;
- H. Physical impairment which, in all reasonable probability, will be suffered in the future;
- I. Mental anguish in the past;
- J. Mental anguish in the future;
- K. Disfigurement.

13. By reason of the above, Plaintiff has suffered losses and damages in a sum within jurisdictional limits of the Court and for which this lawsuit is brought.

**PROXIMATE CAUSE**

14. All and singular of the foregoing acts and omissions, on the part of the Defendants, taken separately and/or collectively, constitutes a direct and proximate cause of the injuries and damages set forth below.

**REQUEST FOR DISCLOSURE**

15. Pursuant to Rule 94 of the Texas Rules of civil procedure, Plaintiff requests that defendants disclose within fifty (50) days of the service of this request, the information or material described in Rule 194.2.

**PRAYER**

WHEREFORE, PREMISES CONSIDERED, Plaintiff, NORMA VIVIANA IBARRA-JARAMILLO, respectfully prays that the Defendants be cited to appear and answer herein, and that upon a final hearing of this cause, judgment be entered for the Plaintiff against the Defendants for damages in an amount within the jurisdictional limits of the Court; together with pre-judgment interest at the maximum rate allowed by law; post-judgment interest at the legal rate, costs of court; and such other and further relief to which the Plaintiff may be entitled at law or in equity.

Respectfully submitted,

Packard, Hood, Johnson & Bradley, LLP  
301 S. Polk, Suite 375  
Lobby Box 34  
Amarillo, Texas 79101  
(806) 374-3300  
(806) 374-3381 - Fax  
[mark@packardlawfirm.com](mailto:mark@packardlawfirm.com)

By: 

Mark L. Packard  
State Bar No. 15402550

Smith, Wilson Law Firm, P.C.  
P.O. Box 212  
Canyon, Texas 79015  
(806) 372-4120  
(806) 372-4501 – Facsimile  
[mark@smithwilsonlaw.com](mailto:mark@smithwilsonlaw.com)  
State Bar No. 21704450

*Attorneys For Plaintiff*

Filed  
Caroline Woodburn  
District Clerk  
6/26/2015 1:37:37 PM  
Potter County, Texas  
By \_\_\_\_\_ Deputy

**CAUSE NO. 104,300-A**

NORMA VIVIANA IBARRA-JARAMILLO, Individually and as Next Friend of J.D.I., A.D., and D.D., Minor Children Plaintiffs,	§ IN THE 47 <sup>TH</sup> DISTRICT COURT § § § § §
Vs.	§ IN AND FOR §
DOUGLAS WILLIAM HUDSON, GAMESA WIND US, LLC; and GAMESA TECHNOLOGY CORPORATION, INC. Defendants.	§ § § § § § POTTER COUNTY, TEXAS

---

**PLAINTIFFS' FIRST AMENDED PETITION**

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**TO THE HONORABLE JUDGE OF SAID COURT:**

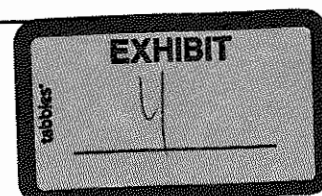
NOW COMES NORMA VIVIANA IBARRA-JARAMILLO, Individually and as Next Friend of J.D.I., A.D. and D.D, Minor Children, hereinafter referred to as Plaintiffs, complaining of DOUGLAS WILLIAM HUDSON, GAMESA WIND US, LLC; GAMESA TECHNOLOGY CORPORATION, INC. Defendants, and for cause of action would respectfully show the Court as follows:

**RULE 190 DESIGNATION**

1. Plaintiffs intend that discovery be conducted under Discovery Level II.

**PARTIES AND SERVICE**

2. Plaintiff, NORMA VIVIANA IBARRA-JARAMILLO is an individual who resides at 1200 N. Harrison Street, Amarillo, Potter County, Texas 79107.
3. Minor Plaintiff, J.D.I. is a resident of Potter County, Texas. The last three digits of Minor Plaintiff's social security number are 656.



4. Minor Plaintiff, A.D. is a resident of Potter County, Texas. The last three digits of Minor Plaintiff's social security number are 1681.

5. Minor Plaintiff, D.D. is a resident of Potter County, Texas. The last three digits of Minor Plaintiff's social security number are 1314.

6. Defendant DOUGLAS WILLIAM HUDSON, is an Individual who is a resident of Pennsylvania, and may be served with process at his home at the following address: 572 Hulmeville Avenue, Penndel, Pennsylvania 19047-5577.

7. Defendants GAMESA WIND US, LLC and GAMESA TECHNOLOGY CORPORATION, INC. are foreign corporations authorized to do business in the State of Texas. The registered agent for service of process for each Defendant is National Registered Agents. Accordingly, Defendants may be served with citation upon their registered agent, National Registered Agents, 1999 Bryan Street, Suite 900, Dallas Texas 75201-3136, by certified mail.

#### **Jurisdiction And Venue**

8. The subject matter in controversy is within the jurisdictional limits of this court.

9. Venue in Potter County is proper in this cause under Section 15.002(a)(2) of the Texas Civil Practice and Remedies Code because the accident occurred in Potter County, Texas, and the cause of action accrued, in whole or in part, in Potter County.

#### **FACTS**

10. All references to Defendants hereafter shall refer to DOUGLAS WILLIAM HUDSON, GAMESA WIND US, LLC; GAMESA TECHNOLOGY CORPORATION, INC. This lawsuit arises out of Defendants' negligence that was the proximate cause of a collision that occurred on July 9, 2013 in the 800 Block of S. Fillmore Street in Potter County, Amarillo, Texas.



The accident occurred because Defendant, DOUGLAS WILLIAM HUDSON, disregarded a red light and pulled into the intersection causing the collision with Plaintiff's vehicle.

**LIABILITY OF DEFENDANT HUDSON**

11. Plaintiff alleges that Defendant HUDSON had a duty to exercise ordinary care and to operate his vehicle reasonably and prudently. Defendant HUDSON breached his duty of care in the following ways:

- a. Failing to yield the right of way at a red stoplight;
- b. Failing to safely and properly operate his vehicle;
- b. Failing to maintain a proper lookout;
- c. Failing to maintain proper control of Defendant's vehicle; and
- d. Failing to control speed;

12. Defendant HUDSON'S breach of duty proximately caused injury and damages to Plaintiff.

**LIABILITY OF DEFENDANTS GAMESA WIND US, LLC, AND GAMESA TECHNOLOGY CORPORATION**

13. In addition, at the time of the accident, Defendant Hudson was an agent and/or employee of Gamesa Wind US, LLC, and/or Gamesa Technology Corporation, Inc. Accordingly, the negligence of Hudson is attributable to Defendants Gamesa Wind US, LLC, and/or Gamesa Technology Corporation, Inc. pursuant to the doctrine of *respondeat superior* with respect to the acts and/or omissions of Defendant Hudson which were performed within the course and scope of his duties with Defendants.

**REQUEST FOR DISCLOSURE**

17. Pursuant to Rule 94 of the Texas Rules of civil procedure, Plaintiffs requests that defendants disclose within fifty (50) days of the service of this request, the information or material described in Rule 194.2.

**PRAYER**

**WHEREFORE, PREMISES CONSIDERED,** Plaintiffs, NORMA VIVIANA IBARRA-JARAMILLO, Individually and as Next Friend of J.D.I., A.D. and D.D., Minor Children, respectfully prays that the Defendants be cited to appear and answer herein, and that upon a final hearing of this cause, judgment be entered for the Plaintiffs against the Defendants for damages in an amount within the jurisdictional limits of the Court; together with pre-judgment interest at the maximum rate allowed by law; post-judgment interest at the legal rate, costs of court; and such other and further relief to which the Plaintiff may be entitled at law or in equity.

Respectfully submitted,

Packard, Hood, Johnson & Bradley, LLP  
301 S. Polk, Suite 375  
Lobby Box 34  
Amarillo, Texas 79101  
(806) 374-3300  
(806) 374-3381 - Fax  
[mark@packardlawfirm.com](mailto:mark@packardlawfirm.com)

By: s/ Mark L. Packard  
Mark L. Packard  
State Bar No. 15402550

Smith, Wilson Law Firm, P.C.  
P.O. Box 212  
Canyon, Texas 79015  
(806) 372-4120  
(806) 372-4501 – Facsimile

mark@smithwilsonlaw.com  
State Bar No. 21704450

*Attorneys For Plaintiff*

Filed  
Caroline Woodburn  
District Clerk  
6/26/2015 1:37:37 PM  
Potter County, Texas  
By \_\_\_\_\_ Deputy